

The Texas Board of Chiropractic Examiners (Board) proposes new 22 TAC §82.7 (Employee Equity Salary Adjustments). The General Appropriations Act (GAA) authorizes an agency executive director to make employee equity salary adjustments only if the agency has adopted a rule permitting that action. This proposed rule, which is compliant with the terms of the GAA (Article IX, §3.07, 87th Legislature – Regular Session, 2021 (or successor provisions), permits the agency executive director to make such adjustments if necessary.

The Board's Executive Director, Patrick Fortner, has determined that for the first five-year period the proposed rule is in effect there will be no fiscal implications for state or local government. There will be no adverse effect on small businesses or rural communities, micro-businesses, or local or state employment. There will be no additional economic costs to persons required to comply with the rule as proposed. An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed rule will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

Mr. Fortner has determined that for each year of the first five years the proposed rule will be in effect the public benefit is to permit the Board's executive director to make employee equity salary adjustments, if needed, in compliance with the requirements of the General Appropriations Act.

The Board provides this Government Growth Impact Statement, pursuant to Texas Government Code §2001.0221, for the proposed new 22 TAC §82.7. For each year of the first five years the proposed rule is in effect, Mr. Fortner has determined:

- (1) The proposed rule does not create or eliminate a government program.
- (2) Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.
- (3) Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the Board.
- (4) The proposed rule does not require a decrease or increase in fees paid to the Board.
- (5) The proposed rule does not create a new regulation.
- (6) The proposal does repeal existing Board rules for an administrative process.
- (7) The proposed rule does not decrease the number of individuals subject to the rule's applicability.
- (8) The proposed rule does not positively or adversely affect the state economy.

Comments on the proposed rule or a request for a public hearing may be submitted to Christopher Burnett, General Counsel, Texas Board of Chiropractic Examiners, 1801 North Congress Avenue, Suite 10.500, Austin, Texas 78701, via email: rules@tbce.state.tx.us; or fax: 512-305-6705, no later than 30 days from the date that this proposed rule is published in the *Texas Register*. Please include the rule name and number in the subject line of any comments submitted by email.

The rule is proposed under Texas Occupations Code §201.152 (which authorizes the Board to adopt rules necessary to perform the Board's duties and to regulate the practice of chiropractic) and the General Appropriations Act, Article IX, §3.07 (87th Legislature – Regular Session, 2021) or successor provisions (which authorizes the Board to adopt rules concerning employee equity salary adjustments).

No other statutes or rules are affected by this proposed rule.

<rule>

82.7. Employee Equity Salary Adjustments.

(a) Pursuant to Senate Bill 1 (General Appropriations Act), Article IX, Section 3.07 (87th Legislature – Regular Session, 2021) or successor provisions, the Board's executive director may adjust the salary rate of an employee whose position is classified under the position classification plan to any rate within the employee's salary group range as necessary to maintain desirable salary relationships:

- (1) between and among employees of the Board; or
- (2) between employees of the Board and employees who hold similar positions in the relevant labor market.

(b) In determining desirable salary relationships under subsection (a) of this section, the executive director shall consider the education, skills, related work experience, length of service, and job performance of Board employees and similar employees in the relevant labor market.

(c) The executive director may award an equity adjustment to an employee under this section only if the adjustment does not conflict with other law.

(d) The executive director's analysis under subsection (b) of this section shall be in writing.